

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CHERYL KATER and SUZIE KELLY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation, and BIG FISH
GAMES, INC., a Washington corporation.

Defendants.

No. 15-cv-00612-RBL

DECLARATION OF SUZIE KELLY

MANASA THIMMEGOWDA, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

BIG FISH GAMES, INC., a Washington
corporation; ARISTOCRAT
TECHNOLOGIES INC., a Nevada
corporation; ARISTOCRAT LEISURE
LIMITED, an Australian corporation; and
CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation,

Defendants.

No. 19-cv-00199-RBL

DECLARATION OF SUZIE KELLY

1 Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

2 1. This declaration is based upon my personal knowledge unless otherwise
3 indicated. If called upon to testify as to the matters stated herein, I could and would competently
4 do so.

5 2. I am over the age of eighteen, and I am a named plaintiff in *Kater et al. v.*
6 *Churchill Downs Inc. et al.*, No. 15-cv-612 (W.D. Wash.).

7 3. I believe that each statement I made in the PBS NewsHour video contained in
8 Plaintiffs' Motion for Certification of a Rule 23(b)(2) Class and for Preliminary Injunction is true
9 and accurate.

10 4. Often when I asked Big Fish to ban my account, my "VIP Host" responded by
11 giving me more chips to keep playing.

12 5. My membership in Big Fish Casino's VIP program meant that I had a personal
13 concierge who would answer questions, solve problems, and respond to complaints. My VIP host
14 was also authorized to "comp" me with free chips.

15 6. In my experience, VIP Hosts often encourage players to continue purchasing
16 chips in order to maintain certain status levels and treatment, offer sales designed to entice
17 people to buy more chips when people stop spending, and try to talk people out of quitting the
18 game. I strongly believe that is because VIP hosts are paid on commission.

19 7. I have lost well over \$300,000 to Big Fish Casino. I believe I was taken advantage
20 of by Defendants' predatory practices and I feel strongly that Defendants should be enjoined
21 from taking advantage of other members of the proposed Injunction Class.

22 8. I understand that I must act as a fiduciary to the class, and that my duties in this
23 case will involve producing documents and sitting for a deposition.

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1 I declare under penalty of perjury that the foregoing is true and correct.
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4 Executed on February 20, 2020 at Plano, Texas.
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6 Suzie Kelly

7 Suzie Kelly
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